



Signed and Filed: December 21, 2010

A handwritten signature in dark ink, appearing to read "T. E. Carlson".

THOMAS E. CARLSON  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re	)	Case No. 10-33670 TEC
	)	
DAVID BRYAN, aka DAVID ROBERT	)	Chapter 7
BRYAN, aka DAVE BRYAN,	)	
	)	
	)	
	)	
	)	
Debtor.	)	

**ORDER RE U.S. BANK NATIONAL N.A.'S MOTION FOR RELIEF FROM STAY**

On December 6, 2010, the court held a hearing on the motion for relief from stay (Motion) filed by U.S. Bank National Association, as Trustee for J.P. Morgan Alternative Loan Trust 2007-A2 (U.S. Bank). Casper J. Rankin appeared for U.S. Bank. Timothy Y. Fong appeared for Debtor. Upon due consideration, and for the reasons stated on the record at the hearing, the court hereby orders as follows:

- (1) This order concerns the real property commonly known as 4148 23rd Street, San Francisco, CA 94114 (the Property).
- (2) Trustee did not appear at the hearing. Debtor appeared at the hearing and contended that U.S. Bank was not the holder of the note.

1       (3) The chapter 7 trustee having failed to oppose the Motion  
2 for Relief from Stay, relief from the automatic stay is granted  
3 with respect to the chapter 7 trustee and the estate so that U.S.  
4 Bank and any other party may enforce its rights in the Property  
5 under the note and deed of trust. 11 U.S.C. §§ 362(a), (c)(1); see  
6 11 U.S.C. § 554(c).

7       (4) Effective December 27, 2010, which is the date of entry of  
8 Debtor's discharge, relief from the automatic stay is granted with  
9 respect to Debtor so that U.S. Bank and any other party may enforce  
10 against Debtor all of its rights in the Property under the note and  
11 deed of trust.

12       (5) The court makes no determination regarding who holds the  
13 note, or who may properly foreclose upon the Property.

14                   **\*\*END OF ORDER\*\***

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